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WP-40730-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE VINAY SARAF

ON THE 15th OF OCTOBER, 2025

WRIT PETITION No. 40730 of 2025

*M/S JAMEEL KHAN PARTNERSHIP FIRM, THROUGH ITS PARTNER
SHRI FIRDOS KHAN*

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Rahul Diwaker - Advocate for the petitioner.

*Shri Abhijeet Awasthi - Deputy Advocate General for the
respondent/State.*
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ORDER

Per. Hon'ble Shri Justice Sanjeev Sachdeva, Chief Justice

1. Learned Deputy Advocate General appearing for the State submits that the past experience of similar work in subject tender period was reduced from 15 years to 10 years in view of the complaint made to the Lokayukta and a query raised by the Lokayukta office. He submits that originally when the tender was floated for the first, second and third time the period was 10 years however by corrigendum to third tender it was enlarged for 15 years to which a complaint was made and as such the original condition of 10 years has been reimposed in subject tender. He further submits that the tender condition with regard to the past experience of nature



of work has also been taken into account by the experts and accordingly suitably modified to enlarge the competition.

2. In view of the specific tender condition that the past experience period is 10 years, the petitioner is non suited and is not qualified, he would not be qualified in the third tender also, when the bids were invited originally as the tender condition was 10 years however, by a corrigendum it was enlarged to 15 years. In the original 10 years condition petitioner was still not qualified.

3. It is settled position of law that terms and conditions of the tender are specified by experts and experts bodies and it is not within the domain of the court to interfere with the tender condition. It is not permissible for the Court to prescribe a condition even if the court is of the view that the condition is better suited for the nature of work.

4. We may also note that petitioner has also not participated in the subject tender being ineligible, accordingly, we find no merit in the petition. Consequently petition is *dismissed*. The interim order is vacated.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE